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Supreme Court, U.S.
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No. 01-1177 JAN 21 2002

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In the
Supreme Court of the United States
October Term 2002

Joseph R. Caterina, Frances H. Caterina, Emmett Caterina and Clara Caterina,

Petitioners,

v.

Unified Judicial System of The Commonwealth of Pennsylvania & Related Parties; Lackawanna Co. Redevelopment Authority; PA General State Authority; Blakely Borough et al,

Respondents.

On Petition For Writ of Certiorari To The United States Court of Appeals For the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

Joseph R. Caterina,
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Emmett Caterina,
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All In Pro Se

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January 21, 2002

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## STATEMENT OF THE CASE

The Appellate Court in reviewing the District Ct's denial erred. Petitioners timely filed Appeals from the Penna. Sup Ct. /1, in both the Dist Ct & the US Sup Ct (A-65),(A-33).

The Appellate Ct wrongfully cited that, ". . their petition for writ of certiorari, stemming from a separate District Court proceeding and pending in the US Sup Ct ". /2 This is not so! Said Writ of Cert stemmed from the Supreme Court of Penna./2 requiring the exhausting of Statutory Remedies, which required Petitioners to exhaust all remedies before proceeding in the US District Court MD Pa (A-96) & (A-100), requiring the suspension of FRCP Rule 4 and Local Rule 4.1./3,4,5 & 6

The Appellate Ct in their opinion (A-17, A-22) failed to consider the Petitioners' inability to comply with the Dist Ct Order * 24 June 1997 (A-101, A-102) because of their Pending Case and refused to consider FRAP Rule 2,/3 contrary to US Sup Ct precedents: S. Stern & Co v U.S.,/4; Miranda v Arizona, n73,/6; & Cummings v State of Missouri,/7.

The Appellate Court's error suspended the Petitioners' Rights instead of the Rule & thereby denied their Right to Trial by Jury, not to be restrained from their own property without probable cause,/5.

the doctrines of Law of the Case, Res Judicata and Collateral estoppel were now implicated into the scope of lack of jurisdiction! So-equally should these doctrines apply to the Appellants herein and the Court herein must determine their jurisdiction in view and in light of the Seventh Amendment Ass-

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ertions as perfected by the Appellants herein. If the Court has no jurisdiction because of Res Judicata, then it is the duty of the Court to declare such and assist the the Appleants in enforcing their legal position by notification to the other Courts who so-equally may also lack jurisdiction, such as Equity; that would then resolve all matters herein including the restraining ORDER on the Appellants. Cite:

* "James A. Elliott United States Bankruptcy Court;circ Apr 1995; US Bankruptcy Ct., W.D. Oklahoma; Civ No.94-14343 10/10 date 96 94-1338 ; 95-1073 ; n.(Bankruptcy Ct. agreed with Common Law Ct Decision and ORDERED Mr. Elliott receive all his property returned, even though it was sold).

Both of these hereinabove cited cases represents (Federal Court) Affirmation! (to Common Law Court's Final Order and Judgments)

VI The Seventh Amendment holds that the Court of Equity lacks jurisdiction under the (Doctrine) of Res Judicata! Cite:

"In suits at Common Law, where the value